

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting October 16, 2013

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:34pm.

Open Public Meeting Act: read by the Board Secretary

Roll Call:

Present: Carolyn Sammons (Mayor's Designee), David McCreery, Ed McKeever, Chuck Nicholson, Eugene Shoultz, Jeanne White, Jay Hughes

Also present: Joan Adams, Board Solicitor, Leah Bruder, Board Planner, Corey Gaskill, Board Engineer

Absent: Bill Carter, Frank Goss, Patrick Spring, Mayor Barbaro

Flag salute, lead by Chairman Nicholson

Announcements:

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

General Business:

- **Resolutions:** None
- **Approval of minutes:**
 - September 18, 2013

Mr. Shoultz moved to approve the minutes of September 18, 2013, Seconded by Mrs. White.

Roll Call:

Voting in favor: Mr. Nicholson, Mr. Shoultz, Mr. McCreery, Mrs. White

Against: **Abstain:** **4-0-0**

- **Old Business:** None

- **New Business:**

1) Completeness Hearing application # SD -13- 03, Minor Subdivision of block 42, lot 7, 944 Elk Road, Applicants, Gaetano & Angelina Grasso.

Present for the application were applicants Gaetano & Angelina Grasso, Carmelo Grasso (son) and Santina Barclay (daughter).

With approval of the applicants, Carmelo Grasso spoke on behalf of his parents. Mr. Grasso explained the application is to subdivide lot 7, which is approximately 55 acres, into two equal lots that will remain in agricultural in use. No construction is proposed.

Mrs. Bruder reviewed her letter of October 4, 2013.

The property is located in the RE residential zoning district which permits agricultural uses, single family dwellings, public parks, playgrounds and accessory uses that are customarily incidental and subordinate to the primary use. The site is currently farmland, is partially wooded and is farmland assessed. Lot 7 has two garage structures utilized for farming and will remain on the lot. The applicant proposes to subdivide the property to create an additional lot for agricultural use. The applicant requests the following waivers from the submission checklist:

Item # 12: requires certification and monumentation required by Map Filing Law. Deferred to Engineer. Mr. Gaskill explained it is required by the current Title Recordation Act and cannot be waived.

Board engineer commented two items needed to be corrected on the plan; 1) points of beginning for each of the lots needs to be shown on the plan and 2) north arrow must list the deed book & page of the deed reference.

Applicant will comply.

Item #19: requires new lot numbers be submitted and approved by tax assessor.
Complied.

Item #33: requires applicant to include a statement and demonstration of compliance with affordable housing requirements.

Waiver is recommended as no construction is proposed.

Item #36: applicant to provide a copy of any protective covenants, easements, or restrictions of record and title policy. Deferred to Solicitor.

Mrs. Adams explained normally this is required, but since this application does not propose any development, she was in support of a waiver.

Waiver recommended.

Item #49: provide the location of all existing tree masses, indicating general sizes and species.

Waiver is recommended as no construction is proposed.

Item #55: provide contours on plan.

Waiver is recommended as no construction is proposed.

Item #57: provide grading plan with existing and proposed spot elevations and in accordance with ordinance section 96-66M.

Waiver is recommended as no construction is proposed.

Item #58: requires soil erosion and sediment control plan.

Waiver is recommended as no construction is proposed.

Item #59: submit location of soil borings to determine soil suitability.

Waiver is recommended as no construction is proposed.

Item #66: requires written commitment from the Elk Township MUA.

Waiver is recommended as no construction is proposed.

Item #67: submit percolation test if the site is served by septic.

Waiver is recommended as no construction is proposed.

Item #73: submit an LOI (Letter of Interpretation) from the NJDEP. In lieu of the wetland delineation and letter of Interpretation, the applicant's surveyor has submitted a letter certifying there are no wetlands on the property.

Waiver is recommended, given the nature of the application.

Item #75: submission of a utility plan.

Waiver is recommended as no construction is proposed.

Mr. Grasso testified there are no residential structures on the lot, only farm buildings-barn, packing house, pole barn and a migrant house that is used for storage only.

Mr. Hughes inquired about the additional road ROW that the County will require. Mr. Grasso explained they are aware of the requirement and their surveyor is working on it along with some other required plan revisions and will make all the changes at one time.

Mrs. White moved to grant the waivers discussed and as outlined in the Board Planner's letter of October 4, 2013 and deem the application "Complete." Seconded by Mr. Hughes.

Roll Call:

Voting in favor: Mr. McCreery, Mr. McKeever, Mr. Nicholson, Mr. Shultz, Mrs. White, Mrs. Sammons, Mr. Hughes

Against: Abstain: 7-0-0

2) Public Hearing application # SD -13- 03, Minor Subdivision of block 42, lot 7, 944 Elk Road, Applicants, Gaetano & Angelina Grasso.

Mrs. Bruder continued with her review letter further commented that the proposed minor subdivision complies with the standards for the RE zone and that the subdivision would not result in any physical changes to the existing conditions and had no planning objections.

Board Engineer had no additional comments or concerns.

Mr. Hughes asked if the lot was in farmland preservation and Mr. Grasso stated it was not.

Mr. Hughes moved to open to the public, seconded by Mrs. White. With all members in favor, the motion was carried. With no comment from the public, ***Mrs. White moved to close to the public. Seconded by Mr. Hughes.*** With all members in favor, the motion was carried.

Mrs. White moved to grant minor subdivision approval condition upon the items outlined in planner's letter of October 4, 2013 and further condition upon all required outside agency approvals, seconded by Mr. Nicholson.

Mrs. Adams explained to Mr. Grasso some of the standard conditions of approval that are attached to all minor subdivision approvals (for example, review of deeds, legal descriptions, escrow current). Further a resolution will be prepared and approved, 190 days to file deeds and should there be a delay, they may ask the board for an extension.

Roll Call:

Voting in favor: Mr. McCreery, Mr. McKeever, Mr. Nicholson, Mr. Shultz, Mrs. White, Mrs. Sammons, Mr. Hughes

Against: Abstain: 7-0-0 approved.

➤ **General Public Portion:**

Mr. Shoultz moved to open the general public portion, seconded by Mr. McCreery. With all members in favor, the motion was carried. With no comment from the public, Mr. Shoultz moved to close the general public portion, seconded by Mr. Nicholson. With all members in favor, the motion was carried.

➤ **Correspondence:**

Regarding Affordable Housing, Planner Leah Bruder made the board aware that the Supreme Court made a ruling on the regulations at the end of September; affirming the appellate division's earlier decision which invalidated the growth share regulations and directed COAH (Council on Affordable Housing) to create new regulations within the next five months. She added two things could happen, 1) COAH could do as directed and create new regulations using the same type of methodology used in the prior rounds (compliance with the Fair Housing act) or 2) come up with new regulations explaining their methodology and tell each municipality what their affordable housing obligation would be (number of units). If this happens, the town will need to prepare a revised Fair Share Plan. Or a possible third alternative could be that another legislative remedy (legislative bill) could come forward and change the whole pyridine.

Mrs. Bruder will be out on maternity leave through January 2014 and Steve Bach will take her place at meetings.

Mr. Hughes asked for zoning clarification of two specific intersections. In review of last month's minutes, proposed liquor license ordinance would be permitted in the C-2 zoning district. The two intersections he inquired about were: 1) Whig Lane and Aura Road and 2) Buck Road and Stanger Avenue. Mrs. Bruder replied both areas are designated as C-1. Mr Hughes raised the concern because one intersection is near the existing school and the other is a future proposed school site.

Mrs. Adams suggested the ordinance could include a provision that alcoholic beverages cannot be within so many feet of a school.

Mrs. Sammons announced Township Committee will be holding a Town Hall Meeting on Tuesday, October 29th at 6:30pm in the municipal building to hear comments regarding the sale of a liquor license.

➤ **Adjournment:**

Mrs. White moved to adjourn, Seconded by Mr. Nicholson
With all members in favor, *the motion was carried.*

Adjournment time: 8:17 pm

Respectfully submitted,



Anna Foley
Board Secretary